



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Tarik Abdelazim, Director

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Housing and Community Development
DATE: August 30, 2013
SUBJECT: 107 Oak Street; Special Use Permit/Series A Site Plan Review
CASE: 2013-51
TM ID #: 160.39-3-36

A. REVIEW REQUESTED

The application would provide for the conversion of the entire ground of an existing building into two residential units for a total of 5 residential units. Currently the building contains ground floor office space and 3 residential units on the second floor. The Zoning Code requires Series A Site Plan / Special Use Permit review for the conversion of a building into 5 or more dwelling units within the C-5, Neighborhood Office District.

As depicted on the site plan vehicular access, parking and the trash enclosure area would be shared with 105 Oak Street. 105 and 107 Oak Street are under common ownership. The owner has submitted a list of proposed exterior improvements which would result from this project (see attached).

B. ADDITIONAL REVIEWS

The project is not located within the boundaries of the LWRP or any historic districts. No additional reviews are required.

C. STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting

- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. These requirements are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

D. SITE REVIEW

The subject property is located on the west side of Oak Street, between Main Street and Chapel Place. Binghamton High School is located directly east of the subject property.

Land use in the vicinity of 95 Oak Street is a mix of commercial, institutional and residential. The residences in the area are a mix of multi-unit dwellings and single family residences. The commercial uses in the vicinity are similar to the subject property- residential buildings converted for office space. Uses in the vicinity of the subject property include: BHS, Life

Choices Center.

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

60 Oak Street: In 1993, the Zoning Board of Appeals denied a request by Mr. Prescott Perkins for use and area variances to convert a retail establishment into a restaurant.

82 Oak Street: The Broome County Mental Health Association received a Series B Site Plan Approval in 1987 in order to occupy and use the premises as their office.

125 Oak Street – A request by Barbara Cribbs for a use variance to convert the first floor of the residence into a beauty salon and maintain the second floor apartment was approved by the Zoning Board of Appeals in 1994.

126 and 130 Oak Street:

- The Zoning Board of Appeals granted an area variance of lot coverage to Kradro Realty in 1996 to construct off-street parking lots for the employees of Broome County Social Services. Requested variances waiving the required wheel stops and landscape buffering were denied.
- The Planning Commission approved a Special Use Permit request by Kradro Realty in 1996 to construct off-street parking lots for the employees of Broome County Social Services.

135, 137, 141, 143, and 145 Oak Street: In 1986, the Planning Commission granted a Special Use Permit and Series A Site Plan to Botnick/5 Ventures Inc. to construct two off-street parking lots for RiverMede Manor employees.

F. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion,	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C-1-C5?	Other impacts (including changes in use of either quantity or type of energy)?

drainage or flooding problems?						
X	X	X	X	X	X	X

G. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.
2. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.

H. SUGGESTED CONDITIONS

Staff recommends the following conditions of approval:

1. All exterior improvements listed on the attached letter from the applicant file dated August 30, 2013 shall be completed prior to the issuance of a Certificate of Occupancy for 107 Oak Street.
2. The tenants at 107 Oak Street shall be required to store trash within the dumpster enclosure located at 105 Oak Street. The perimeter the dumpster pad located at 105 Oak Street shall be enclosed on three sides by an enclosure not less than the height of the dumpster plus six inches. The enclosure must provide a visual barrier between the interior and exterior of the dumpster area. The remaining side of the dumpster enclosure shall be enclosed with a minimum 30-inch wide gate to enable a person to walk into the enclosure to deposit trash, garbage, refuse, or recyclable materials.
3. The owner shall be responsible for keeping the site free and litter and debris at all times.
4. A final site plan shall be submitted for review and approval by the Planning Department which illustrates the size, species and location of all planting materials to be planted in the perimeter landscape beds along the side lot lines and illustrates the removal of the concrete between the front porch of 107 Oak Street and the sidewalk and the size, species and location of all planting material to be planted in its place.

H. ENCLOSURES

Enclosed is a copy of the site plan, the application, owner's list of improvements and site photographs.